

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

THE GEO GROUP, INC.,

Plaintiff and Counterdefendant,

V.

JAY INSLEE, in his official capacity as the Governor of the State of Washington; BOB FERGUSON, in his official capacity as the Attorney General of the State of Washington,

Defendants and Counterplaintiffs.

NO. 3:21-cv-05313-BHS

STIPULATION TO STAY
CASE UNTIL AFTER
ISSUANCE OF MANDATE IN
NEWSOM

AY INSLEE, in his official capacity as the Governor of the State of Washington; BOB BERGUSON, in his official capacity as the Attorney General of the State of Washington,

Defendants and Counterplaintiffs.

The parties hereby jointly respond to this Court’s Order of October 5, 2021, ECF No. 56, directing the parties to provide their positions on the effect on the pending motions in this action of the Ninth Circuit’s recent opinion in *GEO Group, Inc. v. Newsom*, No. 20-56172 (9th Cir. 2021). In light of the *Newsom* opinion, and the possibility of further appellate proceedings, the parties propose that the Court enter an order staying this case until 21 days after the Circuit mandate issues in *Newsom*. A stay is appropriate because the ultimate outcome of this case may simplify issues of proof and questions of law in this action. See *CMAX, Inc. v. CMAX, Inc.*, 400 F.2d 265, 268 (9th Cir. 1962); *Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 860 (9th Cir. 1979). Accordingly, the parties request a stay of all proceedings in this matter, pending the outcome of the appeal.

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1 including pending motions, the accrual of penalties alleged by Washington through its
2 Counterclaims, the deadlines contained in the Court's Order Regarding Initial Disclosures, Joint
3 Status Report, Discovery, Depositions And Early Settlement, ECF No. 54, and GEO's deadline
4 to respond to Defendants' Counterclaims. The parties propose that they be required to submit a
5 joint status report within 21 days of the issuance of the Ninth Circuit mandate in *Newsom*,
6 whereby the parties will advise the Court of their positions on the appropriate course for this
7 matter.

8 DATED this 15th day of October, 2021.

9 Respectfully Submitted,

10 ROBERT W. FERGUSON
11 Attorney General

12 s/ Colleen M. Melody
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the United States District Court using the CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

DATED this 15th day of October, 2021.

s/ Anna Alfonso
ANNA ALFONSO
Legal Assistant